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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,364	01/14/2002	Joachim Wagenblast	Mo6655/LeA 33,721	5085

157 7590 01/26/2005

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/047,364	Applicant(s) WAGENBLAST ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 102 rejection of claims 1, 3, 5 – 7 and 10 – 15 as anticipated by Siebelink, Jr. et al. is withdrawn due to Applicant's amendments presented in the paper dated November 2, 2004.

2. The 35 U.S.C. 103 rejection of claims 4 and 8 over Siebelink, Jr. et al. in view of Kenner is withdrawn due to amendments presented in the paper dated November 2, 2004.

New Rejections

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5 – 7, 10 and 12 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Siebelink, Jr. et al. (USPN 5,702,779).

Siebelink, Jr. et al. discloses a plastic panel assembly, a composite structural article, for use in vehicles (Column 1, lines 4 – 6) made with a core body, frame (Figures 1 – 4, #14), made from a high strength material chosen from metal or glass-filled thermoplastic (Column 3, lines 3

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– 8) and a thermoplastic material part (Figures 1 – 4, #12) that abuts the frame (Column 1, lines 43 – 48) made from a polycarbonate material (Column 2, lines 66 – 67). The frame contains a plurality of perforations in the form of elongated holes (Figures 1 – 4, #22), which allow a plurality of perpendicularly extending joining elements, pins (Figures 1 – 4, #24) to extend through the perforations and form a locking engagement with the frame (Column 4, lines 5 – 7). Both the joining elements and the perforations are dimensioned to allow frictional movement in at least one of the x or y direction (Column 1, lines 59 – 64), allowing the thermoplastic part to expand relative to the frame (Column 1, line 65 to Column 2, line 5). The joining elements are thermoplastic rivets with shafts and heads, which form interlocking engagement between the core body and plastics part, that are integral with the plastic part (Column 3, lines 38 – 39). As seen in Figure 1, the joining elements (#24) have a smaller dimension in both the x and y directions when compared to the perforations (#22). The joining elements are in the form of snap fasteners with a rivet solid shaft and rivet head (Figures 4 and 5, and Column 4, lines 7 – 19).

Regarding the limitation of injection molding the plastic portion on a part of the core body and the joining elements being formed at the same time in claim 1 and the limitation of prior to injection molding, the perforations being filled by removable cores to inhibit the edges of the perforations being embedded in plastics and then removing the cores in claim 10, the determination of patentability for a product claim with a process limitation is based on the product itself and not on the method of production. In this case, the limitation of injection molding the connection elements is a method of production and therefore does not determine the

patentability of the product itself. The method of forming the product is not germane to the issue of the patentability of the product itself. MPEP 2113.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siebelink, Jr. et al. in view of Kenner (USPN 5,062,248).

Siebelink, Jr. et al. discloses a plastic panel assembly, a composite structural article, for use in vehicles (Column 1, lines 4 – 6) made with a core body, frame (Figures 1 – 4, #14), made from a high strength material chosen from metal or glass-filled thermoplastic (Column 3, lines 3 – 8) and a thermoplastic material part (Figures 1 – 4, #12) that abuts the frame (Column 1, lines 43 – 48) made from a polycarbonate material (Column 2, lines 66 – 67). The frame contains a plurality of perforations in the form of elongated holes (Figures 1 – 4, #22), which allow a plurality of perpendicularly extending joining elements, pins (Figures 1 – 4, #24) to extend through the perforations and form a locking engagement with the frame (Column 4, lines 5 – 7). Both the joining elements and the perforations are dimensioned to allow frictional movement in at least one of the x or y direction (Column 1, lines 59 – 64), allowing the thermoplastic part to expand relative to the frame (Column 1, line 65 to Column 2, line 5). The joining elements are

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thermoplastic rivets with shafts and heads, which form interlocking engagement between the core body and plastics part, that are integral with the plastic part (Column 3, lines 38 – 39). As seen in Figure 1, the joining elements (#24) have a smaller dimension in both the x and y directions when compared to the perforations (#22). The joining elements are in the form of snap fasteners with a rivet solid shaft and rivet head (Figures 4 and 5, and Column 4, lines 7 – 19). However, Siebelink, Jr. et al. fail to teach the plastic part forming a rib structure having a plurality of intersecting ribs, said joining elements being located at the intersection of said ribs and at least one fixed joining element that provides no reversible frictional movement between the parts in the x and y direction.

Kenner teaches a central web of flanges with fixed projections (Figure 1, #9) at the end of the flanges which act as anchorage projections, joining elements, (Column 6, lines 62 – 63), where the flanges are joined together by ribs that extend between the anchorage projections (Column 6, lines 65 – 68) for the purpose of installing glass panes into an automobile that ensures the stability and connection of the glass with the automobile (Column 1, lines 56 – 64).

Therefore, one of ordinary skill in the art would have recognized that the use of rib structure with anchorage projections is well known in the art to use in window attachments in a vehicle to ensure the stability and connection of the glass with the automobile as shown by Kenner.

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It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the rib structure along with the anchorage projections at fixed points in Siebelink, Jr. et al. in order to install glass panes into an automobile that ensures the stability and connection of the glass with the automobile as taught by Kenner.

Regarding the limitation of “said plastics part is formed by injection molding thermoplastic material onto at least a portion of the surface of the core body, said joining elements being concurrently formed by means of a portion of the injection molded thermoplastic material extending through at least some of said perforations” in claims 16 and 17, the determination of patentability for a product claim with a process limitation is based on the product itself and not on the method of production. In this case, the limitation of injection molding the connection elements is a method of production and therefore does not determine the patentability of the product itself. The method of forming the product is not germane to the issue of the patentability of the product itself. MPEP 2113.

Response to Arguments

7. Applicant's arguments filed November 2, 2004 with regard to the rejections of claims 1, 3, 5 – 7, 10 and 12 – 15 as anticipated by Siebelink, Jr. et al. have been fully considered but they are not persuasive.

In response to Applicant's argument that the fastening structure of Siebelink's plastic

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panel assembly does not reasonably extend to or touch upon the plastic rivet joining elements of the composite structural article of Applicants' present Claim 1, Siebelink clearly discloses joining elements that are thermoplastic rivets with shafts and heads, which form interlocking engagement between the core body and plastics part, that are integral with the plastic part (Column 3, lines 38 – 39). While the fastening structure of Siebelink also includes a slip washer and a fastener with barbs, the fastening structure meets the claim limitations due to the open language of the claim, i.e. "comprising". The language of the claim allows for other components to be used in combination with the fastening structure.

8. Applicant's arguments with respect to claims 4 and 8 have been considered but are moot in view of the cancellation of the claims and the newly presented claims 16 and 17, which lead to the new ground(s) of rejection. However, since the same prior art applied to claims 4 and 8 is being applied to the newly presented claims 16 and 17, the arguments will be responded to below.

In response to Applicant's arguments that Siebelink provides no disclosure with regard to attaching the frame and plastic panel structures together by means of gluing and Kunert provides no disclosure with regard to attaching the glass pane to the window frame by means of pins extending from the glass pane into slots in the automobile body window frame, Kunert clearly discloses a central web of flanges with fixed projections, or pins, (Figure 1, #9) at the end of the flanges which act as anchorage projections, joining elements, (Column 6, lines 62 – 63), where the flanges are joined together by ribs that extend between the anchorage projections (Column 6,

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lines 65 – 68). While Kunert does not teach the presence of slots in the glass pane, Kunert teaches a method of attaching two materials together through the use of pins that do not allow movement between the two pieces. It would be obvious to one of ordinary skill the art to have at least one pin in an attachment to not allow movement.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772


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